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10/528,145

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EXAMINER

MISKA, VIT W

ART UNIT

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2833

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/528,145 | Applicant(s) MURAKAMI ET AL. | |
| | Examiner Vit W. Miska | Art Unit 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 11-14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,396,772 to Yabe et al.
2. Regarding claim 1: Yabe discloses an electronic timepiece (1) comprising: a first power source (80); a clock circuit (104) connected to the first power source (80); a power source input detecting circuit 92 for detecting an input of a second power source (48); a switch circuit (49) for connecting the first power source (80) and the second power source (48) (col. 6, lines 55-60); and a control circuit (93) for controlling the switch circuit (49) to connect the first power source (80) and the second power source (48) so that the first power source (80) is charged by the second power source (48), thereby operating the clock circuit (104), when the power source input detecting circuit 92 detects an input of the second power source (48).

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3. Regarding claim 2: Yabe further discloses wherein the second power source (48) has a capacity larger than that of the first power source (80).
4. Regarding claim 3: Yabe further discloses wherein the switch circuit (49) has a first switch (SW11-SW14, SW21) that connects the first power source (48) and the second power source (80) in parallel (col. 7, lines 3-38), and a second switch (SW1-SW4) that is connected in parallel to the first switch (SW11-SW14, SW21), and when the power source input detecting circuit 92 detects the input of the second power source (48), the control circuit 93 turns on the second switch (SW1-SW4) to connect the first power source (80) and the second power source (48) (col. 7, lines 40-67, col. 8, lines 1-67, col. 9, lines 1-49, col. 10, lines 42-67).
5. Regarding claim 4: Yabe further discloses a power generator (A); and a voltage detector (92A-92C) for turning on the first switch (SW11-SW14, SW21) when the power generator (A) sufficiently charges the second power source (48) (col. 6, lines 28-55).
6. Regarding claim 5: Yabe further discloses wherein the control circuit 93 is controlled by the clock circuit (104).
7. Regarding claim 11: Yabe further a comparator circuit (971) that operates so as not to turn on the second switch (SW1-SW4) when the voltage of the second power source (48) is at or below a predetermined voltage (col. 14, lines 41-67, col. 15; lines 1-28).
8. Regarding claim 12: Yabe further discloses wherein the switch circuit (49) has a first switch that connects the first power source (80) in parallel to the second power

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source (48) and, when the power source input detecting circuit 92 detects that the second power source (48) is input, the control circuit 93 turns on the first switch (SW11-SW14, SW21) to connect the first power source (80) and the second power source (48) (col. 7, lines 40-67, col. 8, lines 1-67, col. 9, lines 1-49, col. 10, lines 42-67).

9. Regarding claim 13: Yabe further discloses a power generator (A); and a voltage detector (92A-92C) for turning on the first switch (SW11-SW14, SW21) when the power generator (A) sufficiently charges the second power source (48) (col. 6, lines 28-55).

10. Regarding claim 14: Yabe further discloses wherein the control circuit 93 is controlled by the clock circuit (104).

11. Regarding claim 20: Yabe further discloses a comparator circuit (971) that operates so as not to turn on the first switch (SW11-SW14, SW21) when the voltage of the second power source (48) is at or below a predetermined voltage (col. 14, lines 41-67, col. 15, lines 1-28).

12. Claims 1, 2, 12, 13 and 20 are further rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al (US 4785435).

Inoue et al disclose an electronic timepiece in Fig. 1 comprising: a first power source C2; a clock circuit 20 connected to the first power source ; a power source input detecting circuit 4 for detecting an input of a second power source C1; a switch circuit

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S1, S2 for connecting the first power source C2 and the second power source C1; and a control circuit 6 for controlling the switch circuit S1, S2 to connect the first power source C2 and the second power source C1 so that the first power source is charged by the second power source, thereby operating the clock circuit 20, when the power source input detecting circuit 4 detects an input of the second power source C1 (col. 5, lines 3ff); wherein the second power source C1 has a capacity larger than that of the first power source C1 col. 4, lines 6,9); wherein the switch circuit has a first switch S1 that connects the first power source in parallel to the second power source and, when the power source input detecting circuit 4 detects that the second power source C1 is input, the control circuit 6 turns on the first switch S1 to connect the first power source and the second power source (col. 4, lines 32ff); a power generator GEN; and a voltage detector 4 for turning on the first switch when the power generator sufficiently charges the second power source C1; and a comparator circuit 60 that operates so as not to turn on the second switch when the voltage of the second power source is at or below a predetermined voltage (col. 6, lines 62ff).

13. Claims 6-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's comments have been given careful consideration, but have not been found persuasive. Applicant suggests patentability is now predicated on the added language to claim 1 pertaining to "newly inserted" power source and "during a halted state of the timepiece", the latter referring to detecting the input of the second power source.

However, with respect to the "newly inserted" second power source, the detecting circuit identified in Yabe and in Inoue each detect the input of the second power source at all times. Further, each detecting circuit detecting an input is not dependent on the particular type of second power source or the time when the latter was inserted.

Therefore, the detecting circuits detect an input of the second power source at any time, including a newly inserted power source. The limitation "during a halted state of the timepiece" is likewise met in Yabe and Inoue for similar reasons. The detection of the input of the second power source is performed at all times, and therefore also during a "halted state" of the timepiece, e.g. when the hands may not be rotating.

14. Claims 6-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/
Primary Examiner, Art Unit 2833